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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,992	02/20/2004	Giorgio Petratto	ST-10	4371

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EXAMINER

FERGUSON, MICHAEL P

ART UNIT PAPER NUMBER

3679

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,992

Applicant(s)

PETRATTO, GIORGIO

Examiner

Michael P. Ferguson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claims 1,4 and 9 objected to because of the following informalities:

Claim 1 (line 4) recites "plane sheet metal". It should recite --planar sheet metal--.

Claim 4 (line 2) recites "asymmetrical C-shaped". It should recite --asymmetrically C-shaped--.

Claim 9 (line 2) recites "asymmetrical C-shaped". It should recite --asymmetrically C-shaped--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3,6,7,11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Grundy (US 4,171,838).

As to claim 1, Grundy discloses a clamp 2 for connecting bars, and comprising a body defining a pair of prismatic guides for respective bars; and

means 11,14 for locking the bars inside the guides;

characterized in that the body is defined by four separate planar sheet metal plates 4,7,8,12 arranged parallel, spaced and facing in pairs of two 7,12;4,8, and connected (via bolts 11) substantially along the edges of the body;

the guides each being defined by a pair of aligned seats formed along respective sides of two respective facing plates, the plates each having a first and second opposite side extending along the edges of the body and shaped to fit to respective sides of the adjacent plates having a complementary shape (Figures 2 and 3).

As to claim 2, Grundy discloses a clamp 2 characterized in that the plates 4,7,8,12 are formed.

The applicant is reminded that patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production." In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

As to claim 3, Grundy discloses a clamp 2 for connecting bars, comprising:

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a body defining a pair of prismatic guides for engaging the bars and means **11,14** for locking the bars inside the guides; and

characterized in that the body is defined by four separable, planar sheet metal plates **4,7,8,12** arranged parallel, spaced and facing in pairs of two **7,12;4,8** to define respective pairs of facing plates, and connected (via bolts **11**) substantially along the edges of the body in pairs of two to define respective pairs of first and second adjacent plates;

wherein each of the first and second adjacent plates comprises a first and a second end, the ends being opposite to each other;

each of the ends being configured with complementary, engagable shapes with respect to opposing end, and

one of the ends of the first adjacent plate engaging the respective complementary opposing end of the second adjacent plate to form the edges;

the guides each being defined by a pair of aligned seats formed along respective sides of two respective facing plates (Figures 2 and 3).

As to claim 6, Grundy discloses a clamp **2** characterized in that the plates **4,7,8,12** are identical (in rectangular cross section and bolt holes) in each pair of two (Figure 3).

As to claim 7, Grundy discloses a clamp **2** characterized in that the two identical plates of each pair are adjacent to each other, with the relative seats on opposite sides of the body (Figure 3).

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As to claim 11, Grundy discloses a clamp **2** characterized in that the plates **4,7,8,12** are identical (in rectangular cross section and bolt holes) in each pair of two (Figure 3).

As to claim 12, Grundy discloses a clamp **2** characterized in that the two identical plates of each pair are adjacent to each other, with the relative seats on opposite sides of the body (Figure 3).

5. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Csiki et al. (US 2001/0054545).

As to claim 8, Csiki et al. disclose a machine capable of use within a folding-gluing process for manufacturing paper articles comprising:

- a supporting structure **1**;

- a conveying surface (inherent; not shown) capable of successively conveying blanks; and

- a number of tools (inherently, support rail **1** and brackets **7** are assembled using tools (not shown); the tools being capable of use within a blanking process) connectable to the supporting structure, over (the length of) the conveying surface, by means of a number of bars **2,3,5,6**;

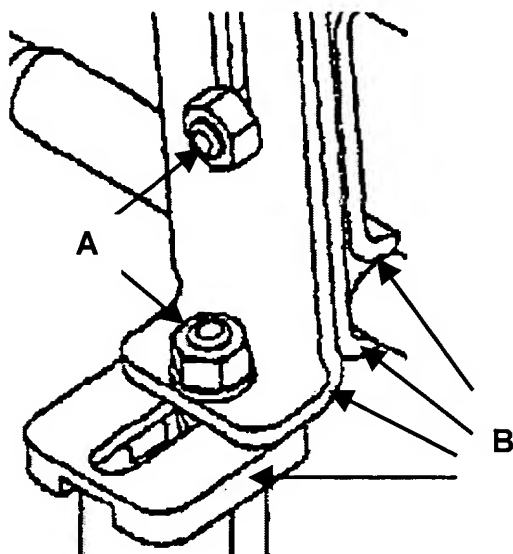
- a number of clamps **7** for connecting the bars, each clamp comprising a body defining a pair of prismatic guides for respective bars; and

- means **A** for locking the bars inside the guides;

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characterized in that the body is defined by four sheet metal plates **B** arranged parallel and facing in pairs of two, and connected substantially along the edges of the body;

the guides each being defined by a pair of aligned seats formed along respective sides of two respective facing plates (Figure 1).



Allowable Subject Matter

6. Claims 4,5,9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

As to claims 4 and 9, Grundy discloses the claimed clamp with the exception of wherein the plates are asymmetrically C-shaped, and each comprises two portions of

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different lengths extending from opposite sides of the seat; the seat being defined by a back edge and by respective inner edges of the portions.

There is no teaching or suggestion, absent the applicant's own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the clamp as disclosed by Grundy to have the above mentioned elemental features.

Response to Arguments

8. Applicant's arguments filed July 5, 2005 have been fully considered but they are not persuasive.

As to claim 8, Attorney argues that:

Csiki et al. do not disclose a *folding-gluing machine for manufacturing paper articles* comprising a number of *blank processing* tools connectable to the supporting structure.

Examiner disagrees. As to claim 8, Csiki et al. disclose a machine capable of use within a folding-gluing process for manufacturing paper articles comprising a number of tools (inherently, support rail 1 and brackets 7 are assembled using tools (not shown); the tools being capable of use within a blanking process) connectable to the supporting structure (Figure 1).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MPF

09/27/05



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